

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

BRENT S.,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 1:15-cv-02070-JMS-TAB
	)	
DEPARTMENT OF CHILDREN AND	)	
FAMILIES OF INDIANA, <i>doing business as</i>	)	
CHILD ADVOCACY CENTER, DEPT. OF	)	
	)	
Respondent.	)	

**Entry Dismissing Action and Directing Entry of Final Judgment**

**I.**

This is an action for habeas corpus relief. The Court has taken notice of the filing and the disposition of the prior habeas action docketed as No. 1:15-cv-1560-TWP-MJD. In that prior action, Brent Swallers, the father of infant Abigail Swallers, filed a next friend petition for writ of habeas corpus on behalf of Abigail Swallers after certain events occurred in a proceeding docketed as No. 49D091509-JC-2845 in the Juvenile Division of the Marion Superior Court. He did so without counsel, however, leading to the next friend petition for writ of habeas corpus on behalf of Abigail Swallers being dismissed without prejudice. Mr. Swallers was given a period of time in which to revive the next friend claim on behalf of Abigail Swallers by securing counsel to represent him, but he failed to do so and that claim was dismissed without prejudice. The claim for habeas corpus relief brought by Brent Swallers himself was dismissed for lack of jurisdiction because he failed to satisfy the “in custody” requirement necessary to any habeas claim. Final judgment was entered on the clerk’s docket on December 23, 2015.

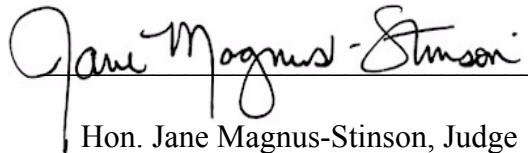
This Court noted in its Entry of January 21, 2016 that “[t]here is no discernible reason why the disposition of the prior habeas action should not control the disposition of the present action.” Mr. Swallers was thus given a period of time in which to show cause why this action should not be dismissed without prejudice for the same reasons as compelled that disposition of No. 1:15-cv-1560-TWP-MJD. He responded with his “amended complaint” and other materials filed on February 10, 2016. These materials do not demonstrate any principled difference between the situation here and that which was presented and carefully considered in No. 1:15-cv-1560-TWP-MJD. Accordingly, this action will be dismissed for the same reasons as dictated the dismissal in the earlier action. And the dismissal here, as with the previous action, shall be without prejudice.

**II.**

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: February 11, 2016

A handwritten signature in black ink, reading "Jane Magnus-Stinson", written over a horizontal line.

Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

Distribution:

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